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No. 04-1079

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2004

In re Gary R. Wall
Petitioner

ON PETITION FOR AN EXTRA ORDINARY WRIT TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR REHEARING

SUBMITTED BY:
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Petitioner respectfully petitions for a rehearing following this Court's denial of a petition for an Extra Ordinary Writ Mandamus to review the judgment of the United States Court of Appeals in, In re Gary R. Wall 04-1079; Second Circuit Case No. 03-3117 (Interlocutory 28 U. S. C. 1292(a)(1); District Case No. 3:97-CV-00942(JCH) (28 U.S.C. 455(a) application).

STATEMENT OF INTERVENING EVENTS/COMMUNICATION EXHIBITS SHOWING EXCEPTIONAL CIRCUMSTANCES IN THE MEANING OF SUP. CT. R. 20

The statement of intervening events concern Extra Judicial Acts of obstruction that were committed subsequent to the filing February 10, 2005 of the mandamus; Said intervening events for mandamus relief are evidenced by communication Exhibits in the Appendix to this instant petition for rehearing. Exhibit A through F, Exhibit A letter dated March 1, 2005 to Chief Judge District of Connecticut Robert N. Chatigny from petitioner Gary R. Wall "RE: Continued Judicial Obstruction (Bridgeport Division)" App. P. 1 – 7; Exhibit B letter dated March 14, 2005 to Chambers Honorable Chief Judge Robert N. Chatigny from petitioner Gary R. Wall "RE: Judicial Obstruction and Fraud Dismiss 3-04-CV91(WWE)" App. P. 7 – 11; Exhibit C May 9, 2005 letter to

Chambers Chief Judge District of Connecticut from petitioner Gary R. Wall "RE: Intervening Circumstances of a Substantial or Controlling Effect (post mandamus) in the Meaning of Extra Judicial Act of Obstruction of the Pleadings" App. P. 11 – 22; Exhibit D "Text: Order to Show Cause – May 5, 2005 U.S.D.J. Janet C. Hall (obvious, bold post denial of mandamus judicial obstruction) App. P. 22 – 23; Exhibit E "Text Plaintiffs Response to Order to Show Cause" (Response Dated May 9, 2005) (not for any determination entered just to show clear obvious embolden post denial mandamus Extra Judicial Acts of Obstructions) App. P. 23 – 30; Exhibit F letter dated May 9, 2005 to Chief U. S. Attorney District of Connecticut from petitioner Gary R. Wall "RE: 11(b)(1)(3) Inquire Request – Access to Federal Jury for Federal Statutory Harm from a Conspiracy to Defraud the Lawful Functions of the United States 18 U. S. C. 371" said letter was prompted by a non response to the same request on December 27, 2004; Exhibit F is enter in the Appendix for this rehearing App. P. 30 – 37. The December 27, 2004 letter was entered in the mandamus petition Appendix P. 78-98.

ARGUMENT

BACKGROUND CLARITY LEADING TO INTERVENING EVENTS

On May 7, 1997 an LMRDA Complaint was brought with an attorney 3:97-CV-00942(JCH) said Federal Complaint was first assigned to the New Haven division to an honest Judge who specialty is labor law (transferred Bridgeport Division 10/23/97).

While the case was progressing, two affiants were threatened and one was actually assaulted on tape. The other was threatened to be "shot six times in the head", when our attorney at the time realized that these serious federal crimes were being facilitated, he stated, "I am not afraid of getting hurt here but it is a concern" (stated on the record teleconferencing 3:97-CV-00942(JCH)).

There is no civil action attorney who would take a case against a RICO Enterprise being protected by a criminal agreement to defraud the lawful functions of the United States "Operating Agreement", which became obvious to our attorney and is obvious to <u>everyone</u> except the Federal Judges who protect their sociopolitical networks that caused the defraud of the Lawful Functions of the United States.

The LMRDA Complaint that the 28 U. S.C. 455(a) application originated from to this mandamus level was dismissed in 1999 by the same district Judge (Hall), please see remand Gary R. Wall, William Cooksey Sr. v. Laborers Local 230, Dominick Lopreato, Charles LeConche and John Pezzenti 224 F3d 168 (2d Cir. 2000. After the remand order came back, the plaintiffs for a two-year period (2001 and 2002) conducted discovery costing in excess of $25,000. Discovery still pending for 3 years District of Columbia case no. 02-MS-354(DAR) because of obstruction in the district of Connecticut (opportunity to be heard F.R.E. 201(e) on fraudulent judicial notice). After discovery was completed an application was filed April 30, 2003 titled "Plaintiffs Application for Disqualification of District Judge Janet C. Hall Pursuant to 28 U.S.C.A. 455(a)".

Two years of application to the Rule of Law to this rehearing mandamus level (8th year of litigation). In that time the petitioner and plaintiffs below have experienced by actual fact and occurrences, the protection of Federal Judges Extra Judicial Acts of obstruction and fraud, by other Federal Judges committing Extra

Judicial Acts of obstruction and fraud in order to protect their Judicial Network colleagues.

Not one Federal Judge defends their actions. They just obstruct and usurp Civil and Statutory Rights, by the intentional fraudulent misconstruction of the pleadings and dockets. The documented and illustrated facts and occurrences of Judicial Article II crimes demonstrated in the progression to this mandamus rehearing level are unthinkable including inter alia Federal Judges using their assumed Article III integrity against the assumed ignorance of pro se plaintiffs to protect the crimes of their sociopolitical judicial networks (D.N.C./D.O.J. Clintons). Including in this matter the monetary and political buy out of a 212-page RICO Complaint by an effective date, politically and criminally powerful, RICO Enterprise 18 U.S.C. 1961(4). Given self-policing "discipline" rights, subject to the "Operating Agreement" between the United States and LIUNA.

HARM AND ABUSE OF PRO SE RIGHTS

Exposed in 8 years of litigation, multiple cases in the Bridgeport Division District of Connecticut, multiple case 2d Cir., multiple cases Sup. CT. same gravaman issue "Operating

Agreement" D.O.J. LIUNA harm to the plaintiffs Title 18 harm and Title 29 Rights plus 5th Amendment harm. Also exposed is the documented fact that sociopolitical Judicial Networks (D.N.C., D.O.J., Clintons) control criminally either directly or by influence, pro se Standing Rights for Statutory and Civil Rights harm, all the way to the gates of the Supreme Court. That statement is subject to documented and illustrated facts and occurrences and an extensive F.R.C.P. 11(b)(1)(3) investigation.

Please see for "intervening events" of judicial obstruction and fraud Exhibits A – F. Please take special notice of Exhibit D "Text: Order to Show Cause" dated May 5, 2005. Please read next "Text Plaintiffs Response to Order to Show Cause" dated May 9, 2005, do so not for any legal determination but for one reason only, to review a clear, obvious embolden (post denial mandamus) intentional obstruction of pro se pleading. Please review the other communications Exhibits for reasons of "Exceptional Circumstances" in the meaning of Sup. CT. R. 20

USURPATION OF PRO SE RIGHTS EFFECTING STATUTORY AND CIVIL RIGHT ACCESS TO THE SUPREME COURT

This is the third time this petitioner and the plaintiffs below have been to the Supreme Court 01-1401, 01-1402, and this

instant matter 04-1079. In 01-1401, this Court was shown indisputable evidence of Extra Judicial Act sof fraud and obstruction of the pleadings. In 01-1402, this Court was shown indisputable evidence of the criminal docket extraction of a Civil Rights Act Complaint (Action in Equity) and its fraudulent postdating (inter alia). In this instant mandamus, protection of the high crimes committed by Federal Judges for their sociopolitical judicial networks (D.N.C., D.O.J., Clintons) is also indisputable causing great concern that the sociopolitical judicial networks effect even pro se access to the Supreme Court.

In addition to the amount of clear evidence showing sociopolitical judicial corruption in the Bridgeport division District of Connecticut, and in the Second Circuit (Court of Appeals and Judicial Counsel), is the fact by this Courts summary denial one sentence:

"The Court today entered the following order in the above entitled case: The petition for a writ of mandamus is denied". This Court has raised strong evidence in support that this Court also is being affected by the sociopolitical corruption whether by law clerks fraudulently briefing or some type of outside control of

the pro se filing system of the Supreme Court. No one is paying attention to pro se filings because they are almost always prison pro se filings (especially at this level). Not as in this matter where "exceptional circumstances" exist including (inter alia) a conspiracy to defraud the Lawful Functions of the United States. Also causing concern is the fact that by this Courts Summary Order, the Court let stand the intentional fraudulent misconstruction of fact and application of standard of review for a 28 U.S.C. 455(a) application to be applied. That being: "Abuse of Discretion" rather than the congressional directive and case authority standard of review "Impartiality Might Reasonably be Questioned". Compounding the concern of non-review by sociopolitical network obstruction is the fact that this Court lets stand the intentional improper standard of review for 28 U.S.C. 455(a) in the 2d Cir. by a strategically placed D.O.J. sociopolitical network Federal Judge, while a special committee appointed by Chief Judge Renquist is investigating whether the Judicial Branch can police itself under 28 U.S.C. 455(a). The only reasonable explanation for the avoidance of the issue is the D.N.C., D.O.J., Clinton's sociopolitical judicial network corruptly influencing pro

se access to the Supreme Court in 01-1401, 01-1402, and 04-1079. The standard of review 28 U.S.C. 455(a) was cited in questions No. 11 and Questions No. III Petition for Extra Ordinary Writ Mandamus. Also avoided was question IV – "to refer the Federal Court system Corruption to the Honorable William H. Renquist, Chief Justice of the United States Ethics Controversies Panel Chaired by the Hon. Stephen Breyer"--

CONCLUSION

By reason of 8 years of Federal litigation, same subject matter (harm to our statutory and Civil Rights by the corrupt use of a Congressional Act OCCA/RICO) and by reason of an extensive F.R.C.P. 11(b)(1)(3) inquiry and by reason of the documented extra judicial acts of misconstruction and fraud cited in the 28 U.S.C. 455(a) (inter alia) and by reasons cited as "intervening events" Exhibit A through Exhibit F and because of the "exceptional circumstances" documented and illustrated, this Court has an obligation to the INSTITUTION to protect pro se Rights to access to the Federal Court System without the obstructionist tactics of the sociopolitical judicial network in the meaning of Marbury v. Madison 1 Cranch 137, 163(1803)

"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury"

This court also has an obligation to self police in the meaning of 28 U.S.C. 455(a) under the proper standard of review by referring the 28 U.S.C. 455(a) Complaint inside the mandamus (Question IV) to the Breyer Committee investigating the exact subject matter.

Therefore, the petitioner respectfully request this Court to Grant a rehearing to police 28 U.S.C. 455(a) and to investigate the obstruction of pro se Statutory and Civil Rights by sociopolitical judicial networks using their influence criminally effecting the INSTITUTION to the DOORS of the SUPREME COURT.

Respectfully Submitted By:

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CERTIFICATE

I certify pursuant to Supreme Court Rule 44.2 that this petition for rehearing is restricted to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented and that it is presented in good faith and not for delay.

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